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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/894,391
Filing Date: June 28, 2001
Appellant(s): EPSTEIN, MICHAEL

James Dobrow
Reg. No 46,666
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/26/2007 appealing from the Office action mailed 08/22/2006

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020154777	Candelore	04-2001
6910221	Honda	03-2000
5659617	Fischer	09-1994
20020069281	Dillenberger et al.	12-2000

4924378	Hershey et al.	06-1988
6496802	Van Zoest et al.	06-2000
6954786	Vered et al.	12-2000
6785815	Serret-Avila et al.	06-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or descry bed as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made

Claim 4 is rejected under 35 U.S.C 103(a) as being un-patentable over Candelore (U.S. 2002/0154777), in view of Honda (U.S. 6,910,221) and further in view of Fisher (U.S. 5,659,617)

Regarding claim 4:

Candelore discloses the invention substantially as claimed, including a security system, comprising:

a verifier that is configured to determine an authorization to process protected material, based on one or more responses to one or more requests: (Candelore discloses a security system

for authenticating locations of content players. In Candelore's system, methods of checking/ and comparing a time generated by the GPS receiver with a secure time source are processed to verify the validities of the content player locations. Moreover, the authentications determining based upon the correlations between time data and location data: abstract; [0002]; [0047]-[0049]; [0052]-[0053])

However, Candelore does not explicitly disclose a timer that is configured to measure response times associated with the one or more responses to the one or more requests

In analogous art, Honda discloses a time measurement unit (which reads on "timer" as claimed) that is used to measure one or more responses to one or more request: column 3, lines 35-67; column 4, lines 1-67; column 9, lines 1-67, column 10, lines 1-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honda's ideas of using the time measurement unit for measuring response times to evaluate valid positions for moving objects into Candelore's system in order to increase efficiencies for data transmitting system (e.g. capability of recognizing if data transmission errors ocurrence accordance to measured response times)

However, Candelore -Honda does not explicitly disclose determining the authorization based at least in part on an assessment of the response times; response times are correlated to a physical proximity between verifier and a first source of the one or more request, and between the verifier and a second source of the one or more response

In analogous art, Fischer discloses method for limiting sensitive devices to operate at certain locations (column 1, lines 49-56; column 4, lines 34-36). In Fischer's system, a secure authorization unit (which reads on verifier as claimed) determines location authorizations for

bacons (those reads on first source/ and second source as claimed) by using synchronized communications between clocks those used to correlating transmitting times/response times with authorized/bounded positions of sensitive devices (column 1, lines 65-67; column 2, lines 1-2; column 4, lines 33-39, 46-67; column 5, lines 1-9, 23-42; column 6, lines 1-67; column 4, lines 32-67; column 5, lines 1-49; column 1, lines 49-56)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fisher's ideas of authentication locations of bacons based upon correlating between limited physical possitions with response times into Candelore-Honda's system in order to provide a higher level secure authentication communication system (e.g. preventing accesses from unauthorized individuals, see (Fisher: column 2, lines 9-18)

Claim 5 is rejected under 35 U.S.C 103(a) as being un-patentable over Candelore (U.S. 2002/0154777), in view of Honda (U.S. 6,910,221) in view of Fisher (U.S. 5,659,617) in view of Dillenberger et al. (U.S. 2002/0069281)

Regarding claim 5:

Candelore discloses the invention substantially as claimed, including a security system, comprising:

a verifier that is configured to determine an authorization to process protected material, based on one or more responses to one or more requests: (Candelore discloses a security system for authenticating locations of content players. In Candelore's system, methods of checking/ and comparing a time generated by the GPS receiver with a secure time source are processed to verify the validities of the content player locations. Moreover, the authentications determining

based upon the correlations between time data and location data: abstract; [0002]; [0047]-[0049]; [0052]-[0053])

However, Candelore does not explicitly disclose a timer that is configured to measure response times associated with the one or more responses to the one or more requests

In analogous art, Honda discloses a time measurement unit (which reads on "timer" as claimed) that is used to measure one or more responses to one or more request: column 3, lines 35-67; column 4, lines 1-67; column 9, lines 1-67, column 10, lines 1-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honda's ideas of using the time measurement unit for measuring response times to evaluate valid positions for moving objects into Candelore's system in order to increase efficiencies for data transmitting system (e.g. capability of recognizing if data transmission errors ocurrence accordance to measured response times)

However, Candelore -Honda does not explicitly disclose determining the authorization based at least in part on an assessment of the response times; the assessment of the response times determining whether one or more responses were communicated locally to the verifier or via network connections

In analogous art, Fischer discloses method for limiting sensitive devices to operate at certain locations (column 1, lines 49-56; column 4, lines 34-36). In Fischer's system, a secure authorization unit (which reads on verifier as claimed) determines location authorizations for bacons (those reads on first source/ and second source as claimed) by using synchronized communications between clocks those used to correlating transmitting times/response times with authorized/bounded positions of sensitive devices (column 1, lines 65-67; column 2, lines 1-2;

column 4, lines 33-39, 46-67; column 5, lines 1-9, 23-42; column 6, lines 1-67; column 4, lines 32-67; column 5, lines 1-49; column 1, lines 49-56)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fisher's ideas of authentication locations of bacons based upon correlating between limited physical positions with response times into Candelore-Honda's system in order to provide a higher level secure authentication communication system (e.g. preventing accesses from unauthorized individuals, see (Fisher: column 2, lines 9-18)

However, Candelore -Honda -Fisher does not disclose forming an assessment of response times

In analogous art, Dillenberger discloses a generated performance metric (which reads on forming an assessment as claimed) includes response times. The performance metric used by manager computer to control works those cooperative among network computers: (abstract; figure 5; [0025]; [0027]-[0028])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dillenberger's ideas of using performance metric to control works those cooperative among network computers in the network cluster into Candelore -Honda -Fisher's system in order to provide a flexible management system, see (Dillenberger: [0008])

Claims 7 and 9 are rejected under 35 U.S.C 103(a) as being un-patentable over Serret-Avila et al. (U.S. 6,785,815) in view of Honda (U.S. 6,910,221) and further in view of Hershey et al. (U.S. 4,924,378)

Regarding claim 7:

Serret-Avila discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for processing a system comprising:

A renderer for receiving a plurality of data items corresponding to a data set, and for producing therefrom a rendering corresponding to a select data item: (Serret-Avila discloses method for preventing access to un-authorization copies of protected content. In Serret-Avila's system, "the data signals" which is equivalent to "data set" is stored and distributed on a compact-dis, a DVD, or the like. Serret-Avila discloses "decoding system such as a portable audio or video player" which is equivalent to "renderer" includes memory for storing data signals, a disk drive for writing data signals to diskettes, CDs, DVDs. Serret-Avila also discloses the requested file/tracks is available to access/distribute/ "play" which is equivalent to "producing" if the authorization successes: abstract, lines 5-11; column 6, lines 45-59; column 7, lines 25-28; column 8, lines 25-67; column 2, lines 45-50, 56-67; column 3, lines 29-46; column4, lines 36-59; column 5, lines 1-9)

A verifier, operably coupled to the renderer, for precluding the rendering corresponding to the select data item in dependence upon whether other data items of the plurality of data items are available to the renderer: (Serret-Avila discloses the decoding system such as a portable audio or video player includes "verification engine" which is equivalent to "a verifier" operates to verify the authenticity of the receiving signals. If the verifying fails, then the playing of the receiving signals is inhibited: figure 5A; column 3, lines 29-36)

However, Serret-Avila does not explicitly disclose timer, operable coupled to the verifier and renderer, for measuring response times associated with responses to request for the other data items from the render

In analogous art, Honda disclose "time measurement section" which is equivalent to "timer", "display section" which is equivalent to "render", and "evaluation system" which is equivalent to "verifier": (column 3, lines 35-67; column 4, lines 1-67; column 9, lines 1-67, column 10, lines 1-67: 96,910,221)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honda's ideas of using the time measurement unit for measuring response times to evaluate valid positions for moving objects into Serret-Avila's system in order to increase efficiencies for data transmitting system (e.g. capability of recognizing if data transmission errors ocurrence accordance to measured response times)

However, Serret-Avila- Honda does not disclose precluding the rendering based at least in part on an assessment of the response times

In analogous art, Hershey disclosed a communication system comprising associations between purchased application programs and subscriber licenses for using the purchased application program. Hershey discloses a timer is set in the operating system of the work station to keep track of responses it is waiting for, and based on comparison between response time and the time is set by timer; If a response is not received with the time is set by timer; the process for requesting of using application programs is inhibited: (column 3, lines 57-64; column 5, lines 19-41; column 6, lines 20-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hershey's ideas of validation request based on response time with Serret-Avila- Honda's system in order to increase security for online purchase system, see (Hershey: column 1, lines 65-67)

Regarding claim 9:

The processing system of claim 7, wherein the verifier is configured to form the assessment based on at least one of:

- An average of the response times,
- A comparison of the response times to one or more threshold times, and
- A statistical test based on the response times." is matched (column 5, lines 27-35)

Hershey disclosed how the system keeps track of responses it is waiting for. He taught that the system compares the response time with the time is " the threshold time" set by timer to determine if it is valid request or not.

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hershey's ideas of validation request based on response time with Serret-Avila- Honda's system in order to provide a secure online purchase system, see (Hershey: column 1, lines 65-67)

Claim 6 is rejected under 35 U.S.C 103(a) as being un-patentable over Hershey et al. (U.S. 4,924,378) in view of Fischer (U.S. 5,659,617)

Regarding claim 6:

a verifier that is configured to determine an authorization to process protected material, based on one or more responses to one or more requests: (Hershey disclosed a System For

Managing Software Licenses by limiting the number of computers permitted to run a program to the number of licenses granted. This system measures which discourage persons from trying to run a program without a license by getting around the check points, if a license is not available, the application program will not be able to run. Hershey disclosed microprocessor which is equivalent to "a verifier" verifies communication between License Storage Key and a Work Station. He taught that the microprocessor verifies requests and responses between License Storage Key and a Work Station to determine that a license exits or not: column 5, line19; column 6, lines 50-53, 65-68; column 7, lines 11-21; column 3, lines 56-67; column 5, lines 2-3)

However, Hershey does not explicitly disclose a timer that is configured to measure response times associated with the one or more responses to the one or more requests; wherein the verifier is configured to determine the authorization based at least in part on an assessment of the response times; wherein the assessment of the response times forms an assessment of whether the one or more responses were immediately available, or whether the one or more responses were a result determination

Fischer discloses method for limiting sensitive devices to operate at certain locations (column 1, lines 49-56; column 4, lines 34-36). In Fischer's system, a secure authorization unit (which reads on verifier as claimed) determines location authorizations for bacons (those reads on first source/ and second source as claimed) by using synchronized communications between clocks those used to correlating transmitting times/response times with authorized/bounded positions of sensitive devices (column 1, lines 65-67; column 2, lines 1-2; column 4, lines 33-39, 46-67; column 5, lines 1-9, 23-42; column 6, lines 1-67; column 4, lines 32-67; column 5, lines 1-49; column 1, lines 49-56)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fisher's ideas of authentication locations of bacons based upon correlating between limited physical positions and response times into Hershey's system would provide a higher level secure authentication communication system (e.g. preventing accesses from unauthorized individuals), see (Fisher: column 2, lines 9-18)

Claim 10 is rejected under 35 U.S.C. 103(a) as being un-patentable over Serret-Avila-Honda-Hershey in view of Zoest et al. (U.S. 6,496,802)

Regarding claim 10:

Serret Avila-Honda-Hershey discloses the invention substantially as disclosed in claim 7, but does not explicitly teach randomly selecting the other data items

However, Zoest disclosed a Verification Server what is equivalent to "verifier" verifies that if the user is authorized to access an electronic work. He taught that the verification server may look-up random sample of data related to request and compares this sample data with data extracted from a physical work, base on comparison the Verification Server determines that if the user is authorized to access an electronic work, see (column 5, lines 21-39; column 8, lines 67; column 9, lines 1-4).

It would have been obvious to a person of ordinary skill in the art at the time the invention was make to modify the verifier of Serret-Avila-Honda-Hershey to provide for random samples of data is taught in Zoest. The combination would have been obvious because on of ordinary skill in the art would have been motivated to verify that the users are authorized to access an electronic copy of the work based on random selection, see (Zoest: column 9, lines 1-4).

Claim 8 is rejected under 35 U.S.C 103(a) as being un-patentable over Serret-Avila-Honda-Hershey in view of Vered et al. (U.S. 6,954,786)

Regarding claim 8:

Serret-Avila-Honda-Hershey discloses the invention substantially as disclosed in claim 8, but does not explicitly teach the assessment of the response times corresponds to a determination of whether the other data items are located in physical proximity to render, see (Vered: column 5, lines 1-9)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Vered's ideas of creating relationships between position proximity and response time with Serret-Avila- Honda's system in order to be able to improve performance of communication network

(10) Response to Argument

a) First, Appellant argues with respect to claim 4:

The combination of Candalore, Honda and Fischer does not make obvious the invention of claim 4

In reply to Appellant's arguments:

All claimed elements were known in the prior art and one skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art.

In this case, all references are directed to location authentication (i.e. method of comparing GPS generated time with secure time zone to verify the validity of GPS location in Candelore (abstract, lines 7-11)/ and method of determining validation for moving objects based upon times calculations in Honda (abstract, lines 1-17)/ and method of determining location validations for two or more bacons base upon times calculations in Fischer (column 10, lines 13-65). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honda's ideas of using the time measurement unit for measuring response times to evaluate valid positions for moving objects into Candelore's system in order to increase efficiencies for data transmitting system (e.g. capability of recognizing if data transmission errors occurrence based upon calculated response times), see (Honda: column 3, lines 35-40). Moreover, combining Fisher's ideas of authentication locations of bacons based upon correlating between limited physical positions and response times into Candelore-Honda's system would provide higher level secure authentication communication system (e.g. preventing accesses from unauthorized individuals, see (Fisher: column 2, lines 9-18)

b) Second, Appellant argues with respect to claim 4:

Candalore does not disclose feature of "a timer for measuring response times associated with one or more responses to the one or more requests"

In reply to Appellant's arguments:

This feature was rejected under Honda. Honda clearly discloses a time measurement unit (which reads on "timer" as claimed) that is used to measure one or more responses to one or more request (column 3, lines 35-67; column 4, lines 1-67; column 9, lines 1-67, column 10, lines 1-67)

c) Third, Appellant argues with respect to claim 4:

Candalore does not disclose feature of "the response times are correlated to a physical proximity between the verifier and a first source of the one or more requests, and between the verifier and second source of the one or more request"

In reply to Appellant's arguments:

The feature of "the response times are correlated to a physical proximity between the verifier and a first source of the one or more requests, and between the verifier and second source of the one or more request" is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, even if this feature was in the claim, Fischer discloses method for limiting sensitive devices to operate at certain locations (column 1, lines 49-56; column 4, lines 34-36). In Fischer's system, a secure authorization unit (which reads on verifier as claimed) authorizes locations for bacons/ sensitive devices (those reads on first source/ and second source as claimed) by synchronize communications between bacons clocks and the secure authorization unit clock to correlate transmitting times/response times with authorized/bounded positions of bacons/ sensitive devices (column 1, lines 65-67; column 2, lines 1-2; column 4, lines 33-39, 46-67; column 5, lines 1-9, 23-42; column 6, lines 1-67; column 4, lines 32-67; column 5, lines 1-49; column 1, lines 49-56)

d) Fourth, Appellant argues with respect to claim 5:

The combination of Candalore, Honda, Fischer and Dllenberger does not make obvious the invention of claim 5

In reply to Appellant's arguments:

All claimed elements were known in the prior art and one skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art.

In this case, all references are directed to location authentication (i.e. method of comparing GPS generated time with secure time zone to verify the validity of GPS location in Candelore (abstract, lines 7-11)/ and method of determining validation for a moving objects based upon times calculations in Honda (abstract, lines 1-17)/ and method of determining location validations for two or more bacons base upon times calculations in Fischer (column 10, lines 13-65)/ and method of using generated performance metric that includes response times for control works those are cooperative among network computers in a network cluster in Dillenberger (abstract; figure 5; [0025]; [0027]-[0028])). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honda's ideas of using the time measurement unit for measuring response times to evaluate valid positions for moving objects into Candelore's system in order to increase efficiencies for data transmitting system (e.g. capability of recognizing if data transmission errors occurrence based upon calculated response times), see (Honda: column 3, lines 35-40). Moreover, combining Fisher's ideas of authentication locations of bacons based upon correlating between limited physical positions and response times into Candelore-Honda's system would provide a higher level secure authentication communication system (e.g. preventing accesses from unauthorized individuals, see (Fisher: column 2, lines 9-18). And furthermore, combining Dillenberger's ideas of using

performance metric to control works those are cooperative among network computers in the network cluster into Candelore -Honda -Fisher's system would provide a flexible management system, see (Dillenberger: [0008])

e) Fifth, Appellant argues with respect to claim 5:

The combination of Candalore-Honda-Fischer does not disclose feature of "the verifier determines the authorization based at least in part on an assessment of the response times; the assessment of the response times forms an assessment of whether the one or more responses where communicated locally to the verifier or via a network"

In reply to Appellant's arguments:

Fischer discloses method for limiting sensitive devices to operate at certain locations (column 1, lines 49-56; column 4, lines 34-36). In Fischer's system, a secure authorization unit (which reads on verifier as claimed) determines location authorizations for bacons/ sensitive devices (those reads on first source/ and second source as claimed) by using synchronized communications between bacons/ sensitive devices clocks with a secure authorization unit clock to correlate transmitting times/response times with authorized/bounded positions of bacons/sensitive devices (column 1, lines 65-67; column 2, lines 1-2; column 4, lines 33-39, 46-67; column 5, lines 1-9, 23-42; column 6, lines 1-67; column 4, lines 32-67; column 5, lines 1-49; column 1, lines 49-56)

g) Sixth, Appellant argues with respect to claims 7 and 9:

The combination of Serret-Avila, Honda and Hershy does not make obvious the invention of claims 7 and 9

In reply to Appellant's arguments:

All claimed elements were known in the prior art and one skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art.

In this case, all references are directed to secure data transmission network (i.e. method of managing/ and protecting electronic signals transmission over a secure network in Serret-Avila (abstract)/ and method of determining validation for a moving objects based upon transmission times calculations in Honda (abstract, lines 1-17)/ and a system for limiting the number of computers permitted to run a program according to software licenses validations (column 1, lines 4-11) in Hershy. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honda's ideas of using the time measurement unit for measuring response times to evaluate valid positions for moving objects into Serret-Avila's system in order to increase efficiencies for data transmitting system (e.g. capability of recognizing if data transmission errors occurrence based upon measured response times). Moreover, combining Hershey's ideas of validation request based on response time with Serret-Avila-Honda's system would increase security for online purchase system, see (Hershey: column 1, lines 65-67)

h) Seventh, Appellant argues with respect to claims 7 and 9:

The combination of Serret-Avila, Honda and Hershy does disclose feature of "the verifier precludes the rending based at least in part on an assessment of response time"

In reply to Appellant's arguments:

Honda clearly discloses technique of evaluating response times in order to determine if errors in images transmission processes. The image displaying process is discarded in response to anomaly response time: (column 1, lines 20-22, lines 25-27; column 7, lines 55-67; column 8, lines 1-6; column 9, lines 40-60)

i) Eighth, Appellant argues with respect to claims 7 and 9:

Serret-Avila does not preclude the rendering corresponding to the selected data item in dependence upon whether other data items of the plurality of data items are available to the render

In reply to Appellant's arguments:

Serret-Avila discloses a system for managing the uses of electronic data that are stored in CD, DVD, the Internet, or other source. In Serret-Avila's system, a block of the electronic data is prohibited from rendering in responsive un-authorization access detection: column 9, lines 1-67; ; column 10, lines column 4, lines 65-67; column 5, lines 1-8; column 6, lines 45-67; column 7, lines 1-20; column 3, lines 29-36; figure 12A)

j) Ninth, Appellant argues with respect to claims 7 and 9:

Candalore does not disclose feature of "the rendering corresponding to the selected data item in dependence upon whether other data items of the plurality of data items are available to the renderer"

In reply to Appellant's arguments:

The feature of "the rendering corresponding to the selected data item in dependence upon whether other data items of the plurality of data items are available to the renderer" is not recited in the rejected claim(s). Instead of, the feature of "precluding rendering corresponding to the

selected data item in dependence upon whether other data items of the plurality of data items are available to the renderer" is cited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

k) Tenth, Appellant argues with respect to claim 6:

The combination of Hershey and Fischer does not make obvious the invention of claim 6

In reply to Appellant's arguments:

All claimed elements were known in the prior art and one skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art.

In this case, all references are directed to communication authorization system (i.e. a system for provide authorizations for the number of computers to run a program according to software licenses validations in Hershey (column 1, lines 4-11) / and a method of determining location validations for two or more bacons base upon times calculations in Fischer (column 10, lines 13-65). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fisher's ideas of authentication locations of bacons based upon correlating between limited physical positions and response times into Hershey's system would provide a higher level secure authentication communication system (e.g. preventing accesses from unauthorized individuals), see (Fisher: column 2, lines 9-18)

l) Eleventh, Appellant argues with respect to claim 6:

The combination of Hershey and Fischer does feature of: "the verifier determines the authorization based at least in part on an assessment of the response times, and wherein the assessment of the response times forms an assessment of whether the one or more responses were immediately available, or whether the one or more responses were result of the determination"

In reply to Appellant's arguments:

Fischer discloses method for limiting sensitive devices to operate at certain locations (column 1, lines 49-56; column 4, lines 34-36). In Fischer's system, a secure authorization unit (which reads on verifier as claimed) determines location authorizations for bacons/sensitive devices (those reads on first source/ and second source as claimed) by using synchronized communications between bacons/ sensitive devices clocks with a secure authorization unit clock to correlate transmitting times/response times with authorized/bounded positions of bacons/sensitive devices (column 1, lines 65-67; column 2, lines 1-2; column 4, lines 33-39, 46-67; column 5, lines 1-9, 23-42; column 6, lines 1-67; column 4, lines 32-67; column 5, lines 1-49; column 1, lines 49-56)

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusions

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Lan-Dai Truong/

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